

SUBDIVISION MEETING
March 8, 2001

Chairwoman Karolin Loendorf called the meeting to order at 9:00 a.m. Commissioner Murray was present. Commissioner Varone will arrive after her dentist appointment. Others attending all or a portion of the meeting included Sharon Haugen, K. Paul Stahl, Ron Alles, Carole Byrnes, Bill Bahny, Greg Bahny, Allen Sinerius, Nathan Sinerius, Chris Ries, Guy Youngblood, Leslie Youngblood, Mary Losey, Dave Donohue, Steve Miller, Troy Walkenhorst, Jerry Debacker, Dale Reagor, Neil Horne, Darlene Horne, Dave Donaldson.

Minutes. There were no minutes to approve.

Recognition. The Commission acknowledged the efforts of Guy Youngblood who has resigned from the Consolidated Planning Board. The Commission presented Mr. Youngblood with a paperweight engraved with the county seal and his name.

Auditor Claims. Commissioner Murray moved that the warrants be drawn and the checks be issued. Commissioner Loendorf seconded the motion and it carried 2-0.

Motor Vehicle Wrecking Facility Application-Nathan and Allen Sinerius. (cont from 3/6/01). Nathan and Allen Sinerius were present. Allen Sinerius presented three additional letters in support of his proposal. Commissioner Murray moved that the three letters be incorporated into the public record. Commissioner Loendorf seconded the motion and it carried 2-0.

The Commission opened the public hearing.

Steve Miller, 3290 Tizer Road. Mr. Miller supports the wrecking facility.

Troy Walkenhorse, 290 Prairie Road. Mr. Walkenhorse stated that the road will suffer due to the increased traffic, and the possibility of soil contamination from oils and gasoline.

Jerry Grebenc reported that without the wrecking yard license Sinerius would still be able to accumulate vehicles and repair them and sell them with an automobile dealer's license. The cars could not be visible from outside the property boundaries and the applicant would need to put up a fence.

Nathan Sinerius stated that during the 1980's oil was used on the road to keep the dust down. He further stated that this is a good business.

Hearing no other comments, the Commission closed this portion of the hearing. Commissioner Murray moved that the Commission render a final decision Thursday, March 15, 2001 at 10:00 a.m. in room 309. Commissioner Loendorf seconded the motion and it carried 2-0.

Commissioner Varone is now present.

Proposed Minor Subdivision, Preliminary Plat, Big Valley Tract 28A Minor. (cont from 3/6/01). The Commissioners will consider rendering a decision creating five lots, each for one single-family dwelling. The proposal is in the SE1/4 of Section 12, T11N, R4W; located north of Brookings Drive and east of and adjacent to Bergren Drive. Commissioner Murray moved that the Commission approve the proposed subdivision subject to 16 conditions as proposed by staff. Commissioner Varone seconded the motion.

Commissioner Varone moved that the Commission amend condition 2 by adding a sentence at the end of the condition 2 as follows: The applicant shall also establish a 30-foot wide drainage easement for the drainage located on the property. Commissioner Murray seconded the motion. Commissioner Loendorf abstained because she was not present during the original hearing. The motion carried 2-0-1.

Commissioner Varone moved that the Commission add language under the Land Use Plans, Lewis and Clark County Comprehensive Plan paragraph on page 7 as follows: Rural development should according to the Plan, which is a reference and not a regulatory document, have the least impact upon sensitive lands and resources and should be sustained by levels of public infrastructure and services associated with rural development. Commissioner Murray seconded the motion. Commissioner Loendorf abstained. The motion carried 2-0-1.

Commissioner Murray moved that the Commission approve the proposed subdivision subject to 16 conditions as amended. Commissioner Varone seconded the motion. Commissioner Loendorf abstained.

After discussion on the *Findings and Conclusions*, paragraphs 2 and 5, Conclusion, by consensus, the Commission agreed to add language as follows: This proposal would have adverse effects on local services, but the conditions of approval are designed to mitigate adverse impacts.

Proposed Minor Subdivision, Summary Review, Phillips Lot 9A Minor. (cont from 3/6/01). The applicant proposes to create two spaces, one for an owner-occupied mobile home and one for a mobile home for rent. The proposal is generally located west of North Montana Avenue and south of and adjacent to Phillips Road. The applicant, Mary Losey, was present.

Variance-Right-of-Way Road Width. Frank Rives reported when the subdivision was approved in 1962 the plat called for a 22 foot right-of-way. County road standards require the road be 24 feet. The constructed road is asphalt and is constructed to a width of 18 feet and would be difficult to increase the right-of-way width without removing portions of property and ditches. Commissioner Murray moved that the Commission grant the variance for right-of-way width as it exists. Commissioner

Varone seconded the motion. Commissioner Loendorf abstained. The motion carried 2-0-1.

Variance-Road width to remain at 18 feet wide instead of required 24 foot width.

Commissioner Murray moved that the Commission grant the variance allowing the existing road width to remain as 18 feet because Phillips Road is a private road.

Commissioner Varone seconded the motion. Commissioner Loendorf abstained. The motion carried 2-0-1.

Commissioner Varone moved that the Commission approve the proposed subdivision subject to 12 conditions as recommended by staff. Commissioner Murray seconded the motion. Commissioner Loendorf abstained. The motion carried 2-0-1.

Proposed Minor Subdivision, Summary Review, Ravens Acres Minor. (cont. from 2/13/01). The applicant proposes to create two lots, each for one single-family dwelling. The proposal is generally located south of and adjacent to Raven Road. Sharon Haugen reported that staff was directed to prepare conditions of approval.

Bill Bahny. Mr. Bahny stated he is not in agreement with condition 3 and 4, because Raven Road is too expensive to construct to county standards. He is in agreement with the remainder of the conditions.

The Commission opened the public hearing on two variances: (1) proposed tract B1 has an easement going through land, and (2) variance from the road right-of-way width.

Dean Retz stated that because there is an RID on the property it implies the road is a public easement. There is a recorded 6-foot easement.

Chris Ries. The road has not official been recorded as a public access easement. The road width has not been defined in some of the areas. It would be a burden to require the applicant to make the easement public and improve it to county standards.

Michael McHugh reported there is no RID in effect for Raven Road, the homeowners voted against it.

The applicant requested that the Commission extend the review period to March 23.

Commissioner Murray moved that the Commission grant applicant's request to extend the review to March 23, 2001, with a hearing on the issues at hand surrounding Raven Road on Tuesday, March 20 and a final decision on March 23. Commissioner Varone seconded the motion and it carried unanimously.

Request for Extension of Preliminary Plat Approval for the Blue Cloud Planned Unit Development. Jerry Grebenc reported that legal counsel could not be present to offer his legal opinion and wishes to postpone applicants' request to March 15.

Commissioner Murray moved that the Commission table the extension request to March

15, 2001 at 9:00 a.m.

Proposed Minor Subdivision, Summary Review, Seven Up Cabin Tracts, Lot 10A Amended Minor. The applicant proposes to create two lots, each for one single-family dwelling. The proposal is located in the SW 1/4, NE 1/4 of Section 14, T14N, R8W; located north of Seven Up Lane, approximately 1/4 mile east of Seven Up Ranch Road. (Zane and Darlene Ross, Applicants). The applicant requested that this proposal be postponed to the public meeting in Augusta on March 9.

Because this was a legally advertised public hearing, the Commission opened the public hearing. Hearing no comments, Commissioner Murray moved that, at the request of the applicant, the Commission table this proposal to the public meeting in Augusta on March 9, 2001. Commissioner Varone seconded the motion and it carried unanimously.

Request for a One-Year Extension of Preliminary Approval for the Fawn Meadows Major Subdivision (Bill Gallagher, Applicant). Michael McHugh reported that the applicant requested a one-year extension of preliminary plat approval. The applicant has shown due diligence in achieving DEQ approval for wastewater treatment and water supply systems, a weed management plan, and an archeological survey. Staff recommended approval of a one-year extension. This is the applicant's first requested extension. Commissioner Varone moved to grant a one-year extension to March 21, 2002. Commissioner Murray seconded the motion and it carried unanimously.

Request for a One-Year Extension of Preliminary Approval for the Tyler Minor Subdivision. (James Tyler, Applicant). Michael McHugh reported that the applicant has been in the hospital and did not receive the notice for the annual extension. Mr. Tyler has applied for the sanitation permits and has completed preliminary road work. This is the applicant's third and final extension. Staff recommended approval of one-year extension. Commissioner Murray moved that the Commission grant a one-year extension to December 1, 2002. Commissioner Varone seconded the motion and it carried unanimously.

Final Plat Approval for the Lone Wolf Major Subdivision. (Applicant, Lori Ohno). Jerry Grebenc reported that the applicant has met the conditions of approval and all taxes have been paid. Staff recommended approval. By consensus, the Commission agreed to sign the final plat.

Final Plat Approval and Subdivision Improvements Agreement for the Foxview Estates Major Subdivision. Michael McHugh reported that the applicant has submitted a letter of credit for additional improvements in the amount of \$22,000. Staff recommended approval. Commissioner Murray moved that the Chair be authorized to sign the security agreement. Commissioner Varone seconded the motion and it carried unanimously. By consensus the Commissioner agreed to sign the final plat.

New Signature Requested-Bylaws of the City-County Parks Board. Carole Byrnes reported that the current signature was incorrectly signed and a new signature page has been added. Commissioner Murray moved that all three Commissioners sign the new signature page. Commissioner Varone seconded the motion and it carried unanimously.

Resolution Declaring County Property Surplus Property. Ron Alles reported that equipment from the ITS Department and the Treasurer/Clerk and Recorder's office will be surplus with a value less than \$2,500. Commissioner Murray moved that the Commission approve the resolution and authorized the Chair to sign. Commissioner Varone seconded the motion and it carried unanimously.

Resolution Declaring County Property Surplus Property. Ron Alles reported that equipment in the ITS Department will be surplus with a value more than \$2,500. Mr. Alles stated that some of the PCs could be made available to displaced Asarco workers. Commissioner Murray moved that the Commission approve the resolution and authorized the Chair to sign. Commissioner Varone seconded the motion and it carried unanimously.

Resolution Ordering a Refund of Assessment Paid. Department of Revenue representative, Mike Noble, reported that the Lamb Trust has requested a refund of 1999 taxes paid due to an erroneous assessment in the total amount of \$370.21. A neighbor's cabin was assessed on the Lamb property and has now been billed to the correct owner. Also, the Lamb home should have been assessed at a lesser percent complete instead of 100% complete. DOR recommended approval of the refund. Commissioner Varone moved that the Commission grant a refund in the amount of \$370.21 due to an erroneous assessment and authorized the Chair to sign. Commissioner Murray seconded the motion and it carried unanimously.

There being no other business, the meeting adjourned at 10:45 a.m.